



April 1, 2003

Mr. Jason Pyeron  
Pyerotechnics Development, Inc.  
500 West University Parkway, #1S  
Baltimore, Maryland 21210-3253

Re: Freedom of Information Act Appeal No. 03-072

Dear Mr. Pyeron:

This is in response to your letter dated February 6, 2003, in which you seek to appeal the partial denial of your request for information pursuant to the Freedom of Information Act, 5 U.S.C. § 552. In a letter dated October 29, 2002, you requested a "list containing the associated information for each address, city, state, zip, +4, latitude, longitude". In a letter dated December 31, 2002, Michael Garner, Manager of Address Management, informed you that although an actual list of addresses would not be provided, the remaining data, (zip+4 associated with latitude and longitude data) was available through the Topological Integrated Geographic Encoding and Referencing/Zip+4 file and that the National data could be obtained at a cost of \$700.00, and in the alternative, individual state information was available at a cost of \$50.00 each.

In a letter dated January 6, 2003, and in your recent appeal, you suggest that the office of Address Management failed to provide you an adequate response, and that the fees for providing the information were not "valid direct costs". We have reviewed your request, the responses provided, and are satisfied that you were provided accurate information. And for the following reasons we are upholding Mr. Garner's decision.

The Freedom of Information Act (FOIA) generally requires government agencies to disclose records within their possession. The Act contains several exemptions, however, that permit agencies to withhold certain information. 5 U.S.C. § 552(b)(1)-(9). In this case, the information you requested (list of addresses) is exempt from disclosure pursuant to FOIA exemption 3 in conjunction with our regulation at 39 U.S.C. § 412.

FOIA exemption 3 provides that agencies may withhold records that are "specifically exempted from disclosure by statute . . . ." 5 U.S.C. § 552(b)(3). Postal Service regulation 39 U.S.C. § 412 provides the following:

"Except as specifically provided by law, no officer or employee of the Postal Service shall make available to the public by any means or for any purpose any mailing or other list of names or addresses (past or present) of postal patrons or other persons".

Therefore, based on FOIA exemption 3 in conjunction with our regulation cited above, we are prohibited from providing lists of addresses to the public, and therefore, that portion of your request was appropriately denied. You also requested (in your letter January 6, 2003) that the Postal Service provide you with our definition of "address". The Postal Service defines address as follows:

"The location to which the USPS is to deliver or return a mailpiece. It consists of certain elements such as recipient name, street name and house number, and city, state, and zip code as required by the mail class". (U.S.P.S. Publication 32, Glossary of Postal Terms, May 1997)

We hope that this clarifies our position on the matter of providing lists of addresses to the public.

Finally, you ask that the fee for the remaining portion of your request, (zip+4 together with latitude and longitude data – Tiger Zip+4 file) be waived.

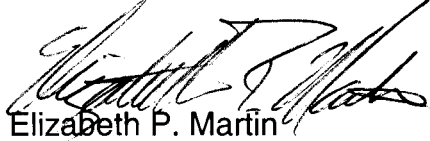
Postal regulations governing the waiver of fees permit waiver of a fee when it is determined that furnishing the records is deemed to be in the public interest, and is likely to contribute significantly to public understanding of the operations or activities of the federal government and is not primarily for the commercial interest of the requester. (39 C.F.R. 265.9(g)(3)) In determining whether these criteria are met, several factors are considered. These factors include the informative value to the general public of the information to be disclosed and whether the disclosure is primarily in the requester's commercial interest. We have interpreted your desire to obtain the Tiger/Zip+4 data to be for your commercial interest.

Additionally, because the information from the Tiger/Zip+4 file is already available for sale to the public, release to you without cost would neither promote or further the public's understanding of the operations or activities of the federal government, and accordingly your request for a fee waiver is denied.

This is the final decision of the Postal Service on your right of access pursuant to the Freedom of Information Act to these records. You may seek judicial review

of this decision by bringing suit for that purpose in the United States District Court for the district in which you reside or have your principal place of business, the district in which the records are located, or in the District of Columbia.

For the General Counsel,



Elizabeth P. Martin  
Chief Counsel  
Customer Protection and Privacy  
Law Department